

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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LARRY THOMAS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 14-CV-7206 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On September 3, 2014, Plaintiff Larry Thomas, who is proceeding *pro se*, filed a complaint appealing the decision of the Commissioner of Social Security denying his application for supplemental security income and disability insurance benefits. On June 5, 2015, the Commissioner filed a motion for judgment on the pleadings. The motion was referred to Magistrate Judge Andrew Peck for a report and recommendation. On July 30, 2015, Judge Peck issued a report and recommendation (the “Report”), recommending that the Commissioner’s motion be granted. Neither party filed objections to the Report.


A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s recommended findings “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2). “When the parties make no objections to the Report, the Court may adopt the Report if ‘there is no clear error on the face of the record.’” *Smith v. Corizon Health Services*, No. 14-CV-8839 (GBD), 2015 WL 6123563, at *1 (S.D.N.Y. Oct. 16, 2015) (quoting *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005)). “Furthermore, if as here . . . the magistrate judge’s report states that failure to object will preclude

appellate review and no objection is made within the allotted time, then the failure to object generally operates as a waiver of the right to appellate review. As long as adequate notice is provided, the rule also applies to *pro se* parties.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009) (internal citations omitted).

As there were no objections to the Report, the Court has reviewed Judge Peck’s well-reasoned Report for clear error. After careful review of the record and exhibits submitted with the complaint, the Court finds no error and thus adopts the Report in its entirety.¹ It is therefore ordered that the Commissioner’s motion for judgment on the pleadings is granted. The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: April 11, 2016
New York, New York



Ronnie Abrams
United States District Judge

¹ Plaintiff attached a July 21, 2014 letter from Dr. Paul De Guzman to his complaint, which was not part of the administrative record. As Judge Peck noted, Dr. De Guzman began treating Thomas after the period for which benefits were denied; therefore, his opinion is not relevant to Plaintiff’s condition during the review period. Plaintiff is, however, free to reapply for benefits based on conditions that have worsened since the ALJ issued his decision. *See Felix v. Astrue*. No. 11-CV-3697 (KAM), 2012 WL 3043203, at *13 (E.D.N.Y. July 24, 2012).